

Frederick County Ethics Commission
Minutes for the Public Meeting of Wednesday, December 13, 2017

Present: Stephen K. Hess, Chair
 Timothy J. Tosten, Vice Chair
 M. Shane Canfield, Commission Member
 Ernest A. Heller, Commission Member
 Christopher D. Glass, Sr., Commission Member
 Deborah L. Lundahl, Commission Member
 Alan Shapiro, Commission Member
 Deidre R. Davidson, Alternate Commission Member
 Linda B. Thall, Senior Assistant County Attorney

The meeting of the Frederick County Ethics Commission began at 7:00 p.m. on December 13, 2017, in the Winchester Room on the 2nd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

Approval of minutes – The draft minutes from the November 8, 2017 meeting were emailed to the members before the meeting.

MOTION: Ms. Davidson made a motion to approve the minutes as drafted. The motion was seconded by Ms. Lundahl and the motion was approved unanimously.

Discussion of changes to the financial disclosure forms (continued) – The members all agreed that both the long and short financial disclosure forms need to be revised to provide the employee's or official's name, official title, working title and division, office, board or commission on the first page of the form. Mr. Tosten suggested amending the short form so that all five questions be expanded to include the words "do you or an immediate family member" at the start of each question. Mr. Hess asked the Senior Assistant County Attorney to circulate the revised forms and that the members respond with comments within one week. The proposals were approved by consensus.

Discussion of a brochure on the Ethics Law (continued) – Ms. Davidson distributed the updated brochure, which is intended primarily for County employees and elected officials. Mr. Shapiro recommended that the brochure emphasize that it is only a summary of the Ethics Law and provide the website location where the full Ethics Law and additional information can be obtained. Additional edits were also discussed, including condensing the information provided and changes that would make the information less technical and easier to understand. The Commission expressed interest in obtaining comments from employees as to how the brochure could be improved. Selected employees in the County Attorney's Office would be asked to provide feedback on the brochure. Comments and suggestions should be provided to Ms. Davidson by no later than January 8, 2018. These proposals were approved by unanimous consent.

Discussion of an on-line training program for County employees – Before the meeting, Mr. Glass emailed the members a sample online ethics training program that he believed could be used as a model for an online training program for County employees. Mr. Glass offered to have the person who developed the training program he provided attend a future meeting to discuss development of a County plan. The members questioned whether there were budgeted funds available to pay an outside expert to create an online training program for the County. Less expensive options, such as printing and distributing training materials for group training sessions or review when the financial disclosure statements are distributed were also considered. Mr. Hess stated that the Commission needed to consult with the County Executive first to find out which options she would support. Mr. Hess reiterated that a comprehensive training plan would need to be phased in over several years. Mr. Canfield noted that it was important to inform the County Executive of the benefits to the County from training employees on the Ethics Law. Mr. Tosten suggested preparing a memorandum to the County Executive that would contain different options for her to consider.

Discussion of letter from Council Member Shreve – On November 8, 2017, Council Member Shreve sent a letter to the Ethics Commission asking the Commission if wanted to see legislation introduced to modify the Maryland Public Information Act. The members discussed the letter and the scope of the Commission's authority and jurisdiction under the Ethics Law. The Commission asked to have a response letter drafted to the Council Member advising him that enforcement of the Public Information Act is outside the scope of the Commission's authority.

Update on additional financial disclosure information – At an earlier meeting where the Commission members discussed the financial disclosure statements submitted in 2017, the members identified areas where some of the disclosure statements were incomplete or where the members needed to obtain additional information to determine whether there were potential violations of the Ethics Law. The Senior Assistant County Attorney was asked to follow up with the employees and officials and report back to the Commission. The Commission was given an update on the information provided to date and those individuals who had not responded to the inquiries made. One conflict of interest was identified and the Commission asked to have a letter prepared to advise the employee of the conflict of interest and the need to avoid this type of conflict of interest in the future.

Discussion of prior advisory opinion – The Commission recently issued an advisory opinion to a County employee. In that opinion, the Commission asked the employee to take a specific action to avoid future conflicts of interest. The Commission directed the Senior Assistant County Attorney to contact the employee and request that the action be completed by January 31, 2018.

Meeting dates for 2018 – The dates for the Commission meetings in 2018 were provided to the members. The members were advised that the Senior Assistant County Attorney

would not be available to attend the June 2018 meeting. Options were discussed and the members decided not to change any of the meeting dates at this time.

Vote to meet to perform an administrative function – Prior to the meeting, the Commission received a request for an advisory opinion from a County employee. The Commission considered whether to end the public meeting and then meet to perform an administrative function where the advisory opinion could be discussed.

MOTION: Ms. Davidson made a motion to meet to conduct an administrative function meeting to discuss the request for an advisory opinion. Mr. Glass seconded the motion, which was approved unanimously.

Required information regarding the administrative function meeting – The Commission began its administrative function meeting at approximately 8:30 p.m. on December 13, 2017, in the Winchester Room on the 2nd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701. All of the Commission members, including the alternate member, and Ms. Thall were present for the meeting. The Commission members then discussed their concerns over potential conflicts of interest identified and how those conflicts of interest could be avoided. Ms. Lundahl recused herself as she knows the employee who requested the advisory opinion. The members did not complete their discussion and agreed to continue the discussion at the January meeting.

The Ethics Commission adjourned its meeting at 9:00 p.m.

/s/
Linda B. Thall, Senior Assistant County Attorney